

ENVIRONMENTAL CHECKLIST FORM

- 1. Project Title:** Approval of Alternative Compliance Plans to permit Valero Refining Company in Benicia, California to use Interchangeable Emission Reduction Credits to Comply with the Nitrogen Oxide (NOx) requirements of Bay Air Quality Management District Regulation 9, Rule 10.
- 2. Lead Agency Name and Address:** Barry G. Young
Principal Air Quality Engineer
Permit Services Division
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-4721
(fax) (415) 749-5030
byoung@baaqmd.gov
- 3. Contact Person and Phone Number:** S. J. Hammonds
Principal Environmental Engineer
Valero Refining Company
3400 East Second Street
Benicia, California 94510
(707) 745-7885
- 4. Project Location:** Valero Benicia Refinery
3400 East Second Street
Benicia, California 94510
- 5. Project Sponsor's Name and Address:** Valero Refining Company - California
3400 East Second Street
Benicia, California 94510
- 6. General Plan Designation:** General Industrial
- 7. Zoning:** General Industrial
- 8. Description of Project:** The Bay Area Air Quality Management District is conducting a review of Alternate Compliance Plans (ACPs) proposed by Valero, for its refinery located in Benicia, California to determine if approval of these ACPs will cause significant environmental effects under CEQA. Each ACP addresses the means that Valero proposes to use to comply with the NOx requirements of District Regulation 9, Rule 10. Per Regulation

9, Rule 10, Valero (and other similar facilities within the District) is required to meet a NOx standard for 50 percent of the applicable sources by July of 2000 (Phase 1), and the remaining 50 percent by July of 2002 (Phase 2).

Under the proposed ACPs, Valero intends to use its Interchangeable Emission Reduction Credits (IERC) by the District (in February 2000) as well as future credits to comply with the NOx requirements of District Regulation 9, Rule 10 on an ongoing basis. These initial IERCs were granted to Valero for voluntary installation and operation of a NOx control device on Valero's CO Furnaces in 1995. In accordance with District Regulation 2, Rule 9, instead of installing new control equipment, these IERCs may be used (if such use is approved) as an alternate method to show compliance with NOx standards of any rule in Regulation 9. Valero has already applied for a permit for the Phase 1 ACP as District Permit Application Number 1047. A second permit associated with the application of the Phase 2 ACP has also been applied for by Valero (Application Number 3915). Each specifies how Valero's IERCs are to be used to achieve compliance with District Regulation 9, Rule 10. Application of these District approved IERCs, along with other potential modifications to their heaters and boilers, is expected to allow Valero to fully comply with annual refinery NOx emission reductions required by District Regulation 9, Rule 10.

9. Surrounding Land Uses and Setting. (Briefly describe the project's surroundings.)

The proposed project is located within the eastern portion of the City of Benicia along the northern edge of the Suisun Bay in a low range of coastal hills. Within the immediate surroundings, the land use continues to be general industrial with some areas of light industrial land use.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | |
| | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Ellen J. Garvey
Printed Name

Date

APCO/Executive Officer
Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ENVIRONMENTAL IMPACTS:

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1.	AESTHETICS—Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	AGRICULTURE RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. BIOLOGICAL RESOURCES— Would the project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. CULTURAL RESOURCES— Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. ENERGY— Would the project:					
a)	Result in a substantial increase in overall or per capita energy consumption?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Increase reliance on natural gas and oil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in wasteful or unnecessary consumption of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Require or result in the construction of new sources of energy supplies or additional energy infrastructure capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Comply with adopted energy efficiency standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. GEOLOGY AND SOILS—Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. HAZARDS AND HAZARDOUS MATERIALS					
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. HYDROLOGY AND WATER QUALITY—					
Would the project:					
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation of seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. LAND USE AND PLANNING— Would the project:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
11.	MINERAL RESOURCES—Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.	NOISE—Would the project result in:				
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13.	POPULATION AND HOUSING— Would the project:				
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
14. PUBLIC SERVICES— Would the project:					
a)	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. RECREATION:					
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. TRANSPORTATION / TRAFFIC— Would the project:					
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues (and Supporting Information Sources):</i>		<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. UTILITIES AND SERVICE SYSTEMS— Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. MANDATORY FINDINGS OF SIGNIFICANCE					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulative considerable? ("Cumulative considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF ENVIRONMENTAL IMPACTS

PROJECT DESCRIPTION

The Bay Area Air Quality Management District is conducting a review of Alternate Compliance Plans (ACPs) proposed by Valero Refining Company – California (Valero), for its refinery located in Benicia, California to determine if approval of these Alternate Compliance Plans will cause significant environmental effects under CEQA. Each ACP addresses the means that Valero proposes to use to comply with the NOx requirements of District Regulation 9, Rule 10. Per Regulation 9, Rule 10, Valero (and other similar facilities within the District) is required to meet a NOx standard for 50 percent of the applicable equipment by July of 2000 (Phase 1), and the remaining 50 percent by July of 2002 (Phase 2).

Under the proposed ACPs, Valero intends to use its Interchangeable Emission Reduction Credits (IERC) already granted, and yet to be granted, by the District (in February 2000) to comply with the NOx requirements of District Regulation 9, Rule 10. These IERCs were granted to Valero (as Application Number 19971) for voluntary installation and operation of a NOx control device (termed a Thermal De-NOx system) on Valero's CO Furnace in 1995. Within the Refinery these IERC sources are identified as the Source 3, Crude Preheat Furnace F-101, and Source 4, Reduced Crude Preheat Furnace F-102.

In accordance with District Regulation 2, Rule 9, instead of installing new control equipment, Valero's IERCs may be used (if such use is approved) as an alternate method to show compliance with NOx standards of any rule in Regulation 9. Valero has already applied for a permit for the Phase 1 ACP as District Permit Application Number 1047. A second permit has also been applied for by Valero (Application Number 3915). Application of District approved IERCs could fully, or partially, cover the annual Valero refinery NOx emission reductions required by District Regulation 9, Rule 10.

PROJECT HISTORY

On March 4, 1999 the Valero Refinery Company requested that voluntary NOx emission reductions resulting from installation of Thermal De-NOx (TDN) on Sources 3 and 4 (Crude Preheat Furnace F-101 and Reduced Crude Preheat Furnace F-102) of Valero's Benicia Refinery be certified as IERCs. The District then issued the certificates on February 1, 2000 (IERC Banking Certificate No.'s 1-A and 1-B). These IERCs are available for use by Valero to become part of an ACP in accordance with Regulation 2, Rule 9. The IERCs were granted in an application to the District as real, quantifiable, permanent, enforceable and surplus emission reductions of NOx from the voluntary installation of a thermal De-NOx (TDN) system by Valero in 1995. Valero has also indicated the intent to apply for additional credits for use in these ACP's.

Certificate 1-A is a credit of 172.7 tons of NO_x, which were generated in 1997, and these credits can be used between January 1, 1998 and December 31 2002. Certificate 1-B is a credit of 38.5 tons which can be used between January 1, 1999 and December 31, 2003.

On February 4, 2000, the issuance of these IERCs to Valero was appealed by the Southeast Alliance for Environmental Justice (SAEJ) and by Communities for a Better Environment (CBE). In a subsequent lawsuit brought against the District's CEQA review process for approval to Valero's first phase ACP, the San Francisco County Superior Court on March 1, 2001 ruled that the District's CEQA process was inadequate and that an EIR should be prepared. The District's Hearing Board dismissed all parts of a similar appeal by SAEJ and CBE on September 28, 2001, except that an EIR must be carried out to assess the environmental impacts upon the proposed use of the IERCs.

SPECIFIC IMPACTS

The following sections provide additional detail about why particular items in the preceding CEQA checklist were checked.

1. AESTHETICS

Valero's utilization of a Thermal De-NO_x (TDN) system to acquire IERCs involved the addition of new facilities at the refinery. These new facilities, have been permitted, installed, and are operational today. This is the only physical change to the refinery related, though indirectly, to approval of the ACPs and is, in fact, part of the current refinery baseline conditions. In the District's granting approval of these proposed ACPs, there would be no new physical change and thus no potential for future obstructions to the scenic view or alterations to the light reflection from the refinery. Thus, no new impacts are anticipated with approval of the proposed project. Additionally, since changes to the local air quality can affect local visibility, these already implemented NO_x emissions controls have been helping to improve local air quality and have provided a net visibility benefit.

2. AGRICULTURE RESOURCES

Neither the prior installation nor the continued operation of the TDN to provide IERCs, nor the approval of the ACPs, would result in any construction outside of existing facilities. Thus no impacts to any existing agriculture resources are anticipated.

3. AIR QUALITY

The proposed project considers the approval by the District of Valero's proposed ACPs to comply with NO_x emission reduction goals, which are the intent of District Regulations 2-9 and 9-10. While it is unlikely that District approval of these ACPs, which recognize real emission reductions above Valero emission limits considered in the District's Clean Air Plan, would conflict with or obstruct implementation of the District's Clean Air Plan some uncertainties still remain. One of these uncertainties concern differences between potential short term and long

term benefits and impacts related to this approval. Consequently, for the purposes of this Initial Study this is a potentially significant impact and should be the subject of further environmental review.

There are no physical changes to the Valero Refinery proposed by the ACPs. Consequently, in attempting to determine a change to the environment measured against the refinery's current baseline conditions (as it exists today with the TDN and associated IERCs in use) there does not appear to be any potentially significant impacts to air quality based on District approval to the ACPs. However, at the level of analysis considered in this Initial Study it remains unclear if any violations to existing air quality could occur and thus for the purposes of this Initial Study this is a potentially significant impact and should be the subject of further environmental review.

At the level of analysis considered in this Initial Study it is unclear whether or not any cumulatively considerable potential impacts to Air Quality could occur as a result of District approval of the Valero ACPs and potentially and other related projects within the region. On this basis, there could be the potential for a significant impact to air quality, which could be cumulatively considerable and this should be the subject of further environmental review.

It is unknown at the level of detail of this Initial Study whether or not the potential exists for both violations of air quality and cumulatively considerable air quality effects to impact local sensitive receptors. Given that there is a potential for significant impacts to these local sensitive receptors further environmental review is warranted.

Since the current operation of the TDN system associated with the IERCs reduces existing refinery emissions no new odor impacts beyond the current refinery baseline are anticipated with project approval.

4. BIOLOGICAL RESOURCES

The completed TDN system used to bank Valero's IERCs did not involve new construction outside of the existing facilities, and no habitat was affected. Thus, no future impacts to plants or animal life are anticipated with the approval of the ACPs.

5. CULTURAL RESOURCES

The completed TDN system used to bank Valero's IERCs did not require any construction outside of the existing facilities. There was no ground disturbance that could have encountered cultural sites, and the existing facilities are not considered historical structures. The approval of the proposed ACPs would not result in any future impacts on paleontological, archaeological or historical sites, nor would it affect ethnic values or religious uses.

6. ENERGY

Operation of the completed TDN emission control system used to bank Valero's IERC considered in the ACPs increased the refinery energy consumption beginning at the time of its

installation. However, since it was permitted at that time and no future impacts on energy resources above the current refinery baseline are expected with approval of the proposed ACPs no impacts to energy resources are anticipated with approval of the ACPs.

7. GEOLOGY / SOILS

Neither the prior completion of the TDN to provide IERCs, nor the approval of Valero's proposed ACPs, would result in any construction outside of the existing facilities. No soil was disturbed at the time of TDN installation, and it did not involve any structures that would be seismically unstable. Approval of the proposed ACPs in this initial study would not have any anticipated geologic impacts.

8. HAZARDS & HAZARDOUS MATERIALS

Operation of the TDN system used to provide IERCs for Valero involves injection of aqueous ammonia. The use and storage of this hazardous material was addressed at the time the TDN system was permitted and installed. The proposed ACPs would not alter the existing setting, use of aqueous ammonia, and would not result in any increase in hazardous material use, storage, and transport activity above current facility baseline conditions.

A search of the 2000 list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese list) revealed that there are several listed hazardous waste discharge points or abatement orders listed for the Valero site. These are not near the existing TDN facility and would not be impacted by approval of the ACPs. Thus, no new impacts are anticipated with approval of the ACPs.

9. HYDROLOGY / WATER QUALITY

Operation of the existing TDN associated with the IERCs is not associated with water discharges and does not impact the hydrology or water quality of the refinery. Approval of the proposed ACPs would not change the refinery's current operations and there no impact hydrology and water quality is anticipated.

10. LAND USE AND PLANNING

Installation and operation of the TDN system used to generate the IERCs at the refinery did not change any land use designation of the refinery or its immediate surroundings, which is compatible with the site's existing zoning as "General Industrial." Approval of the proposed ACPs would not change the refinery from its existing baseline and no impacts on land use and planning are anticipated.

11. MINERAL RESOURCES

The installation and operation of the existing TDN system used for IERCs did not involve the significant impact of any exiting mineral resources. The proposed project does not involve any soil disturbance or construction and would not have any impact on existing mineral resources.

12. NOISE

Changes to existing noise levels due to the operation of the TDN used for IERCs were addressed at the time of the TDN was permitted and installed. Approval of the proposed ACPs would not result in any new noise impacts due to continued operation of the TDN above the refinery's existing baseline conditions.

13. POPULATION AND HOUSING

The installation and operation of the existing TDN used for IERCs did not increase the number of employees nor did it affect regional population or residential housing patterns in any other way, such as major relocation or growth inducement. Therefore, use of the TDN for IERCs through approval of the ACPs as proposed in this initial study, continue to have no anticipated impact on local population and housing.

14. PUBLIC SERVICES

The installation and operation of the existing TDN used for IERCs did not increase the demand for public services, as it is a discrete facility within the overall refinery and these services cover the entire refinery. Prior fire protection and police protection for the refinery remained adequate post-installation of the TDN and with the use of the TDN for IERCs through approval of the ACPs as proposed in this initial study, would continue to have no new impact on public services.

15. RECREATION

The installation of the TDN was limited to the confines of the refinery facilities and operation of the TDN had and continues to have no impact on the quality or quantity of recreational resources. Therefore the use of the TDN for IERCs through approval of the ACPs as proposed in this initial study, would also have no impact on future recreation resources.

16. TRANSPORTATION /TRAFFIC

The installation of the TDN involved local transportation activity onsite only. It did not cause a change to vehicular movement; impact existing transportation systems (including water, rail, and air traffic), alter present patterns of circulation of people and goods, or alter parking. There are no significant transportation impacts associated with the operation of the TDN. Therefore, no transportation or circulation impacts are anticipated from the use of the TDN for IERCs through approval of the ACPs as proposed in this initial study.

17. UTILITIES / SERVICES SYSTEMS

The existing TDN created no new demand on water, wastewater, or landfill facilities. Therefore the use of the TDN for IERCs through approval of the ACPs as proposed in this initial study, would also have no impact on utilities and service systems.

18. MANDATORY FINDINGS OF SIGNIFICANCE

Use of IERCs achieved with continued operation of the TDN system is not anticipated to have the potential to degrade the quality of the local environment, substantially reduce wildlife habitat or threaten plant or animal communities. As discussed in checklist Section 3, Air Quality, above at the level of analysis considered in this Initial Study it is unclear whether or not any cumulatively considerable potential impacts to Air Quality could occur as a result of District approval of the Valero ACPs and potentially and other related projects within the region. On this basis, there is conservatively, the potential for a significant impact to air quality, which could be cumulatively considerable and this should be the subject of further environmental review.